Public Laws: Senate/Bills/110th Congress/2nd Session/2008

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II

110TH CONGRESS
2D SESSION

S. 2704

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2008

Mrs. LINCOLN (for herself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Respiratory Therapy Initiative Act of 2008".

SEC. 2. MEDICARE COVERAGE OF SERVICES OF QUALIFIED RESPIRATORY THERAPISTS PERFORMED UNDER THE GENERAL SUPERVISION OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subsection (s)(2)—

(A) by striking "and" at the end of subparagraph (Z);

(B) by adding "and" at the end of subparagraph (AA); and

(C) by adding at the end the following new subparagraph:

"(BB) respiratory therapy services which would be physicians' services if furnished by a physician (as defined in subsection (r)(1)) for the diagnosis and treatment of respiratory illnesses and which are performed by a respiratory therapist (as defined in subsection (ddd)) under the general supervision of a physician and which the respiratory therapist is legally authorized to perform by the State in which the services are performed, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services."; and

(2) by adding at the end the following new subsection:

"Respiratory Therapist

"(ddd) For purposes of subsection (s)(2)(BB) and section 1833(a)(1)(W) only, the term 'respiratory therapist' means an individual who—

"(1) is credentialed by a national credentialing board recognized by the Secretary;

"(2)(A) is licensed to practice respiratory therapy in the State in which the respiratory therapy services are performed, or (B) in the case of an individual in a State which does not provide for such licensure, is legally authorized to perform respiratory therapy services (in the State in which the individual performed such services) under State law (or the State regulatory mechanism provided by State law);

"(3) is a registered respiratory therapist; and

"(4) holds a bachelor's degree.".

(b) PAYMENT.—Section 1833(a)(1) of such Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and" before "(V)"; and

(2) by inserting before the semicolon at the end the following: "(W) with respect to services described in section 1861(s)(2)(BB) (relating to services furnished by a respiratory therapist) that are

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furnished by a respiratory therapist (as defined in section 1861(ddd)), the amount paid shall be equal to 80 percent of the lesser of the actual charge for the services or 85 percent of the fee schedule amount provided under section 1848 for the same services if furnished by a physician".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2009.

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